



Tunisia

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Tunisia is a republic dominated by a single political party. President Zine El-Abidine Ben Ali and his Constitutional Democratic Rally (RCD) party have controlled the Government, including the legislature, since 1987. This dominance was reaffirmed in an overwhelming RCD victory in the October 1999 legislative and presidential elections, the first multicandidate presidential race in the country's history. Although 1999 revisions to the Constitution allowed two opposition candidates to run against Ben Ali in presidential elections, Ben Ali won 99.44 percent of the ballots cast for President. Approximately 20 percent of representation in the Chamber of Deputies is reserved for opposition parties (34 of 182 seats). The Constitution provides that a person may serve only three terms as President; however, in July the RCD called for President Ben Ali to seek a fourth term in 2004, which would require a constitutional amendment. The President appoints the Prime Minister, the Cabinet, and the 24 governors. The executive branch and the President strongly influence the judiciary, particularly in sensitive political cases.

The police share responsibility for internal security with a paramilitary National Guard. The police operate in the capital and a few other cities. In outlying areas, their policing duties are shared with, or ceded to, the National Guard. Both forces are under the control of the Minister of Interior and the President. Security forces continued to commit serious human rights abuses.

The country has a population of 9.6 million. It has made substantial progress toward establishing an export-oriented market economy based on manufactured exports, tourism, agriculture, and petroleum. The per capita gross national product was estimated to be \$2,200, while real per capita income grew by an estimated 2.1 percent.

More than 60 percent of citizens are in the middle class and enjoy a comfortable standard of living. The Government reported in April that only 4.2 percent of citizens fell below the poverty line, and that more than 80 percent of households owned their own homes. The Government devotes 54 percent of the budget to social and development goals. The Government cites these statistics in defending its human rights record.

The Government generally respected the rights of its citizens in some areas, particularly the rights of women and children; however, the Government's record remained poor in other areas, and significant problems remain. There are significant limitations on citizens' right to change their government. While observers agree that the outcome of the 1999 elections generally reflected the will of the electorate, the campaign and election processes greatly favored the ruling party, and there was wide disregard for the secrecy of the vote. However, opposition parties have been given some limited opportunity to criticize the Government through the press regarding human rights and the electorate's ability to effect democratic change.

There were reports of four extrajudicial killings by authorities. Members of the security forces tortured and physically abused prisoners and detainees. The Government asserts that police officials who commit abuses are disciplined, and in July in the first case of its kind four prison guards were sentenced to prison terms for torture. The Government during the year also sentenced to prison terms some security officials found responsible for deaths in custody; security forces were responsible for physical abuse, intimidation, and other harassment of citizens who voiced public criticism of the Government. Prison conditions range from Spartan to poor. Security forces arbitrarily arrest and detain persons. However, during the year, legal responsibility for the prison and parole systems was transferred from the Ministry of Interior to the Ministry of Justice. The Justice Ministry has stated publicly its intent to improve prison conditions. International observers have not been allowed to inspect the prisons. Lengthy pretrial detention and incommunicado detention continue to be problems.

Prison officials often deny access to prisoners by their lawyers and family members. Provisions enacted in 1999 to lower the maximum incommunicado detention period and require authorities to notify family members at the time of arrest are enforced unevenly. Although the judiciary is nominally independent, it is subject to executive branch control, particularly in politically sensitive cases. Lengthy delays in trials are a problem, and due process rights are not always observed, despite a Government initiative establishing a court to oversee the proper administration of sentences. The Government infringed on citizens' privacy rights, including by intercepting mail and interfering with Internet communication. Security forces also monitored the activities of government critics and at times harassed them, their relatives, and associates.

The Government continued to impose significant restrictions on freedom of speech and of the press, although they were somewhat eased during the year. In April the Chamber of Deputies approved what most observers considered to be largely cosmetic changes to the Press Code, transferring a number of offenses from the Press Code to the Penal Code, thereby making them subject to judicial review, as well as streamlining the censorship process. In June the Government began a campaign ostensibly to promote pluralism and press freedom, which resulted in the publication of some articles that addressed sensitive democracy and human rights issues. However, direct criticism of Government policies or officials remains restricted and rare. Editors and journalists continue to practice self-censorship. The Government remained intolerant of public criticism, using physical abuse, criminal investigations, the court system, arbitrary arrests, and travel controls (including denial of passports), to discourage criticism and limit the activities of human rights activists. In July the Government suspended a sitting district judge for criticizing the lack of independence of the judicial system. The London-based Al-Mustaqella satellite television program began in April broadcasting to the country, devoting 2 hours each Sunday afternoon to call-in segments that focus on democracy, and civil and human rights. Some critics who criticized the Government on the Al-Mustaqella program later were arrested upon returning to the country. The Government continued to use the mandatory prescreening of publications and control of advertising revenue as a means to discourage newspapers and magazines from publishing material that it considered undesirable. The opposition Democratic Progressive Party (PDP) claimed that in January and August copies of its Al-Mawqif newspaper were removed from newsstands because they contained an article critical of the Government. The Government regularly seized editions of foreign newspapers containing articles that it considered objectionable. However, the Government permitted several foreign journals to return to the newsstands during the year after they were banned from sale in 1999 following articles critical of the presidential and legislative elections. The Government also improved access to the Internet.

The Government restricts freedom of assembly and association. The Government limits partially the religious freedom of members of the Baha'i faith, and does not permit proselytizing. The Government continued to restrict the freedom of movement of government critics and their family members. The Government subjected members of the Tunisian Human Rights League (LTDH) and other human rights activists to physical abuse, harassment, interrogation, property loss or damage, and denial of passports. An appellate verdict in the civil case against the LTDH in June upheld the lower court's 2000 decision to annul the election of the LTDH board, while at the same time giving the sitting board responsibility for operating the LTDH with caretaker responsibilities until a new election could be held within 1 year. The Government continued to meet with the LTDH, but refused to approve the registration of the nongovernmental organization (NGO), National Council for Liberties in Tunisia (CNLT), and continued to harass and prosecute CNLT members. CNLT spokesperson Sihem Bensedrine was arrested in June for allegedly inflammatory comments she made while appearing on Al-Mustaqella. She was released 6 weeks later as part of a broader amnesty. While permitting some representatives from human rights organizations to enter the country and attend trials, the Government prohibited others from entering and deported the Secretary-General of the NGO Reporters without Borders (Reporters Sans Frontieres-RSF).

The Government continued to demonstrate its strong support for the rights of women and children; however, legal discrimination against women continued to exist in property and inheritance law, which is governed by Shari'a (Islamic law), and societal discrimination exists in areas such as private sector employment. The Government took strong measures to reduce official discrimination, including requiring equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises; however, such measures are not extended to the private sector. Child labor exists but continues to decline, due principally to government efforts to address the problem.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary and Unlawful Deprivation of Life

There were no reports of political killings; however, there were allegations during the year of four killings or deaths in custody in which members of the security forces were involved directly or in which they were accused of complicity.

According to an interview with CNLT spokesperson Sihem Bensedrine broadcast on the Al-Mustaquella satellite in June, police arrested Abderrahman Jehinaoui (23 years old) in Sijoumi (near Tunis) in January and beat him to death on March 9 while he was in custody. CNLT also reported the suspicious deaths while in prison of Ryadh Bouslama (22 years old) on December 29, 2000, in Monastir, and of Zine Ben Brik on April 27, at the Bulla Reggia prison in Jendouba. The CNLT alleged criminal negligence by prison authorities in both cases. The CNLT claimed that Hassene Azouzi (18 years old) was mistreated while in the 9 Avril prison in Tunis. Azouzi was arrested March 17 and, after the court's denial of his lawyer's request for medical care, died in prison on May 12.

The Government announced judicial determinations in previous cases involving alleged killing or complicity by security forces. The Government reported the conviction of the police officer implicated in the August 2000 killing of Chaker Azouzi, who was kicked and beaten to death for failure to stop for police. The police officer was sentenced in April to 10 years in prison and ordered, along with the Ministry of Interior, to pay material and punitive damages to Azouzi's family.

The Government reported that its investigation into the June 2000 prison death of El-Aid Ben Salah resulted in the February conviction of one of Ben Salah's cellmates. The accused prisoner was sentenced to 20 years in prison for his role in the beating. The LTDH reported in 2000 that Ben Salah's cellmates beat him to death and that, despite his cries, prison guards did nothing to save him. No prison guards or other officials were prosecuted or otherwise disciplined or sanctioned.

The Government reported the convictions in March of two persons accused of assault in the September 2000 case of Riadh Mohamed J'day, who was beaten to death while in police detention. The Government originally claimed that J'day committed suicide by hanging himself with his shirt from the bars in his cell and that he died on the way to the hospital. The two persons were each sentenced to 2 years in prison. The Government declined to specify whether the two were members of the security forces or were themselves prisoners.

The Government reported a verdict in March in the civil appeal of the July 1998 case of Islamist Tijani Dridi, who allegedly died in police custody. The Government has maintained that Dridi died as a result of injuries sustained in a motorcycle accident before he was taken into custody. The court of appeal agreed, and ordered the insurance company to pay a settlement to Dridi's beneficiaries.

There was no new information regarding the investigation of the case of Tahar Jelassi, whom prison guards reportedly tortured to death for refusing to remove his clothes during a routine search at Grombalia prison.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Penal Code prohibits the use of torture and other cruel, inhuman, or degrading treatment or punishment; however, security forces reportedly routinely used various methods of torture to coerce confessions from detainees. The forms of torture included electric shock; submersion of the head in water; beatings with hands, sticks, and police batons; cigarette burns, and food and sleep deprivation. Police also reportedly utilized the "roisserie" method: stripping prisoners naked, manacled their wrists behind their ankles, and beating the prisoners while they were suspended from a rod. A 1999 CNLT report on prison conditions described other forms of torture, including the "falaqa," which consists of suspending a prisoner by the feet and severely beating the soles of the feet; suspension of a prisoner from the metal door of his cell for hours until the prisoner loses consciousness; and confinement of the prisoner to the "cachot," a tiny, unlit cell. One prisoner, Ali Mansouri, had both his legs amputated in April 2000 as a result of mistreatment received in prison. Mansouri alleged he was severely beaten and chained in his prison cell by guards in order to force him to abandon a hunger strike. In the first case of its kind, Mansouri filed criminal charges against the prison guards. In July the court found four guards guilty of torture and sentenced them each to 4 years in prison. It also ordered the Government to pay \$210,000 (315,000 dinars) in compensation to Mansouri. One of the prison guards testified that he was acting on orders from a superior. Another prisoner, Sadok Chourou, reported that prison officials had routinely withheld food parcels sent by his family.

According to Amnesty International (AI) and defense attorneys, the courts routinely fail to investigate allegations of torture and mistreatment and have accepted as evidence confessions extracted under torture. In August 1999, in order to address U.N. concerns, the Government enacted amendments to the Penal Code that adopted the U.N. definition of torture, instructed police to inform detainees of their rights, including, notably, the right of a defendant to demand a medical examination while in detention, and increased the maximum penalty

for those convicted of committing acts of torture from 5 to 8 years. The Government also shortened the maximum allowable period of prearrest incommunicado detention from 10 to 6 days and added a requirement that the police notify suspects' families on the day of their arrest (see Section 1.d.). However, credible sources claimed that the Government rarely enforces the new provisions and that appeals to the court for enforcement are routinely denied. During her six-week detention in the Manouba prison in a suburb of Tunis, journalist and human rights activist Sihem Bensedrine reported sharing a cell with 27 others who were detained awaiting sentencing (see Section 1.d.). In its annual report for 2000, Human Rights Watch stated that despite the reduction of incommunicado detention from 10 to 6 days, torture continued to be a problem, due to a climate of impunity "fostered by a judiciary that ignored evidence of torture and routinely convicted defendants on the basis of coerced confessions." In its March 2000 report on torture, the CNLT stated that "torture continues to be practiced on a large scale" and affects not only political prisoners but common criminals as well.

Human rights advocates maintain that charges of torture and mistreatment are difficult to substantiate because government authorities often deny medical examinations until evidence of abuse has disappeared. The Government maintained that it investigates all complaints of torture and mistreatment filed with the prosecutor's office and claimed that alleged victims sometimes publicly accused authorities of acts of abuse without taking the steps required to initiate an investigation. However, the CNLT stated in its March report on torture that police often refuse to register complaints and judges dismiss complaints lodged by alleged victims of torture with little or no investigation. Absent a formal complaint, the Government may open an administrative investigation but is unlikely to release the results to the lawyers of affected prisoners. The Government appears to distinguish Islamists from other political opposition prisoners; prisoners whom the Government has identified as Islamists tend to receive harsher treatment during their arrests and confinement. The conviction of the prison guards in the Mansouri case in July represented the first publicly documented instance in which prison security officials were disciplined for such abuse.

Security forces attacked and beat citizens, particularly human rights activists, on numerous occasions during the year for holding demonstrations or meetings, or for criticizing the Government (see Sections 2.b and 4). For example, in February Nazia Boudhib, a member of the Tunisian Association of Democratic Women (ATFD), was assaulted by plainclothes police, who seized documents from her. Also in February, human rights organizations reported that Jallel Zoghalmi, director of the unauthorized publication Kaws El Karama, was attacked by five plainclothes policemen armed with knives and truncheons. Police again attacked Zoghalmi the next day when he was returning home from the hospital with supporters. A large number of security forces waiting at his house attacked him again and his supporters. Human rights groups allege that the initial attack was in response to an editorial printed the month before in Kaws El Karama calling for a change of government. In March Anouar Kousri, president of the Bizerte LTDH office reported heavy surveillance and harassment by police. In April credible reports indicated that Souhayr Belhassen, vice president of the LTDH, was attacked at Tunis-Carthage airport as she returned from human rights meetings in Europe. Plainclothes police took her documents from her and shouted abusive epithets, calling her a traitor to her country.

In November student members of the RCD who, according to human rights organizations, were organized into gangs armed with chains, knives, and truncheons, attacked opposing student candidates for university councils representing the independent national student union (UGET) at several campuses. The most serious attacks took place at the University of Tunis Manouba campus (12 miles from Tunis) and at the University of the Center Monastir campus (84 miles from Tunis). According to reports, the violence appears to have stemmed from efforts by the RCD student group to increase its near 90 percent majority on the scientific councils throughout the country.

On November 2-3, university police armed with truncheons beat UGET leaders and prevented them from entering the faculty of science in Monastir. According to the Committee for the Respect of Human Rights (CRLDH), RCD gangs attacked two students with chains and knives, fracturing the hand of one and putting the other in a coma. Police arrested several UGET leaders.

On November 3, an RCD student gang armed with chains and knives broke into the science faculty at Manouba and beat a professor and UGET official. Incidents of similar violence by what appear to be RCD gangs were reported at the journalism school and the engineering school at the Manouba campus.

The Rally for an International Alternative for Development (RAID), an illegal NGO reported that on December 26, three men attacked one of its members, Nizar Amami, in the street; they fled in a waiting car after the attack. RAID claimed that Amami was kicked in the face by one of the men after being distracted by another who shouted epithets at him.

According to defense attorneys and former prisoners, prison conditions ranged from Spartan to poor and, in some cases, did not meet international standards. Credible sources reported that overcrowding continued to be a serious problem, with 40 to 50 prisoners typically confined to a single 194-square foot cell, and up to 140

prisoners held in a 323-square foot cell. Defense attorneys reported that prisoners in the 9 Avril prison in Tunis were forced to share a single water and toilet facility with over 100 cellmates, creating serious sanitation problems.

There were credible reports that conditions and prison rules were harsher for political prisoners than for the general prison population. One credible report alleged the existence of special cell blocks and prisons for political prisoners, in which they might be held in solitary confinement for months at a time. Another credible source reported that high-ranking leaders of the illegal An-Nahdha Islamist movement have been held in solitary confinement since 1991. Other sources alleged that political prisoners regularly were moved among jails throughout the country, thereby making it more difficult for the prisoners' families to deliver food to them and to discourage their supporters or the press from inquiring about them. The 2000 CNLT report alleged that inmates are instructed to isolate newly arrived political prisoners, and are punished severely for any contact with them.

Several hunger strikes by prisoners occurred during the year that were aimed to draw attention to substandard prison conditions or mistreatment, as well as the denial of privileges. Abdellatif Bouhajila began a hunger strike in May protesting prison conditions. Sadok Chourou, a former An-Nahdha member who was sentenced in 1991 for membership in an illegal organization, began a hunger strike in May protesting his isolated confinement and the denial of visits by his family. Bechir Abid, a former student leader, began a hunger strike at the beginning of May to protest the denial of visits by family members. He was released at the end of May under conditional parole. He had been sentenced to 18 months in September 2000 for membership in the illegal Tunisian Communist Worker's Party (PCOT). In August prisoners in Sfax (about 130 miles, and Kairouan about 70 miles south of Tunis) prisons undertook hunger strikes protesting prison conditions and the mistreatment of political prisoners.

During her six-week detention in the Manouba prison in a suburb of Tunis, journalist and human rights activist Sihem Bensedrine reported sharing a cell with 27 others who were detained awaiting sentencing (see Section 1.d.). In May Abdellatif Bouhajila, who is serving a 17-year sentence for membership in an illegal organization, protested prison conditions that he claims are threatening his health. Bouhajila, an asthmatic with a kidney disorder, was placed in a cell in which most of the prisoners smoked and has been denied medical attention. In July after beginning a hunger strike, he was transferred from the 9 Avril prison in Tunis to Borj Erroumi in Bizerte, 25 miles north of the capital, effectively ensuring that his aged parents would be precluded from visiting him.

Former National High Commissioner for Human Rights Rachid Driss, whose former organization is government-funded, had conducted bimonthly, unannounced prison inspections since 1996. Although Driss has declared that prison conditions and prisoner hygiene were "good and improving," details of his inspections were not made public. Zakaria Ben Mustapha replaced Driss in December 2000.

The Government appears to be attempting some prison reform. One significant change was the transfer of authority for the prison system from the Ministry of Interior to the Ministry of Justice in January. The Justice Ministry made a public commitment to improve prison conditions; however, no discernible changes had been made by year's end. A similar change in oversight of the parole system took place in July.

The Government does not permit international organizations or the media to inspect or monitor prison conditions. The LTDH announced in a 1999 communique that it had been granted permission to resume prison visits; however, it made no visits during the year, and the Government's willingness actually to allow such visits remained uncertain. Due to such restrictions, the CNLT's 1999 report on prisons remains the authoritative first-hand account of prison conditions in the country. In April the CNLT reissued its call for reform of the prison system, citing the systematic torture and abuse of prisoners and continued lack of basic hygienic conditions and medical care.

d. Arbitrary Arrest, Detention, or Exile

Arbitrary arrest and detention remain problems. The law authorizes the police to make arrests without warrants in the cases of suspected felons or crimes in progress. A 1999 Penal Code amendment provides for a maximum 3-day detention period, renewable once (for a maximum of 6 days) by the prosecutor, thus reducing from 10 days to 6 the period that the Government may hold a suspect incommunicado following arrest and prior to arraignment. The 1999 amendments also require arresting officers to inform detainees of their rights and detainees' families of the arrest at the time of arrest, and to make a complete record of the times and dates of such notifications. Credible sources stated that the new law rarely is enforced with respect to either common criminals or political detainees. During her detention in the Manouba prison, journalist and human rights activist Sihem Bensedrine reported that she and 27 others were detained for 6 weeks awaiting sentencing (see Section 1.c.). Detainees have the right to be informed of the grounds for arrest before

questioning and may request a medical examination. However, they do not have a right to legal representation during the 6-day incommunicado detention period. Attorneys, human rights monitors, and former detainees maintain that the authorities illegally extend the maximum limit of pre-arraignment detention by falsifying the date of arrest. Credible sources report police extortion of money from families of innocent detainees in consideration for dropping charges against them.

Detainees have the right to be represented by counsel during arraignment. The Government provides legal representation for indigents. At arraignment the examining magistrate may decide to release the accused or remand him to pretrial detention. The law permits the release of accused persons on bail, which may be paid by a third party. In cases involving crimes for which the sentence exceeds 5 years or that involve national security, preventive detention may last an initial period of 6 months and be extended by court order for two additional 4-month periods. For crimes in which the sentence may not exceed 5 years, the court may extend the initial 6-month pretrial detention by an additional three months only. During this period, the court conducts an investigation, hears arguments, and accepts evidence and motions of both parties. The law provides persons indicted for criminal acts the right to appeal their indictment before the case comes to trial.

On September 29, police stopped the car of two delegates from Amnesty International who were in the country to attend the appeal of Moncef Marzouki (see Section 1.e.). The police assaulted the two delegates, then detained, and questioned them. They were later released in the center of Tunis. The police confiscated and did not return a number of items, including a computer and personal documents.

A case proceeds from investigation to a criminal court, which sets a trial date. There is no legal limit to the length of time the court may hold a case over for trial, nor is there a legal basis for a speedy hearing. Complaints of prolonged detention of persons awaiting trial were common, and President Ben Ali publicly has encouraged judges to make better use of release on bail and suspended sentences. Some defendants have claimed that they have been held in pretrial detention for years.

On June 26, police arrested CNLT member and journalist Sihem Bensedrine upon her return from an appearance on Al-Mustaquella satellite broadcast program in London and charged her with defamation of a judge and spreading false information aimed at undermining the public order. The charges stemmed from comments Bensedrine made on the program alleging corruption in the Government, prison torture, and executive control of the judiciary. She quoted a sitting judge, Jedidi Ghenya, as declaring in court that everyone who appears before him is guilty until they prove their innocence, despite the fact that the Constitution provides for the presumption of innocence until the legal establishment of guilt. The press reported that the Government denied visits to Bensedrine by international human rights observers. Credible legal sources reported that Bensedrine was subjected to humiliating physical searches after each visit by her lawyer. She was conditionally released from prison on August 11 as part of a broader amnesty, but she may still be subject to judicial proceedings.

In June Mohammed Moaada, former secretary general of the Democratic Socialist Movement (MDS) opposition party, was arrested for violating the conditions of his parole. Precise charges were not publicly specified. However, prior to his arrest he had appeared on Al Mustaquella criticizing the Government. The Government also denied visits to Moaada by international human rights observers. Moaada first was arrested in 1995, ostensibly for espionage, tried, and sentenced to 11 years in prison. Human rights activists claim his original arrest was the result of an open letter that he published that was critical of the Government. His June arrest occurred after a conditional parole of 41/2 years.

In October the CNLT reported that more than two dozen former political prisoners were detained arbitrarily in Bizerte in what appeared to be a political sweep in anticipation of the October 15 arrival in Bizerte of President Ben Ali for the commemoration of a military holiday. They were believed to have been released after the President's visit.

On November 2, police detained several UGET students in connection with a rally and sit-in that the students were holding to protest beatings by RCD student members, university police and security forces (see Section 1.c.).

Human rights activists reported that security forces arbitrarily imposed administrative controls on former prisoners following their release from prison. Although the Penal Code contains provisions for the imposition of administrative controls following completion of a prison sentence, only judges have the right to order a former prisoner to register at a police station, and the law limits registration requirements to 5 years. Human rights activists allege that these requirements often are unreasonable and prevent former prisoners from being able to hold a job. Defense attorneys reported that some clients must sign in four or five times daily, at times that are determined only the previous evening. When the clients arrive at the police station, they may be forced to wait hours before signing in, making employment impossible and childcare difficult. Numerous Islamists

released from prison in recent years have been subjected to these types of requirements. Hedi Bejaoui has been under administrative control since 1990. Benjaoui was arrested and released in 1990 for membership in An-Nahdha. In May he began a hunger strike in May that lasted 6 weeks to protest his administrative control and the seizure of his passport. Bejaoui attempted to travel abroad for medical treatment because his medical insurance card had been taken from him by the authorities (see Section 2.d.).

A court that was created in 1999 to oversee the proper administration of sentences began functioning in September 2000. The law allows judges to substitute community service for jail sentences in minor cases in which the sentence would be 6 months or less. There is no evidence that this alternative has been applied in political cases.

There are reports of hundreds of political detainees, although there is no reliable estimate due to arbitrary government detention practices and the lack of publicly available records of arrests. The Government denies arresting persons for political crimes. Rather, it relies on a variety of broad or vague provisions in the Penal Code, including against "spreading false information aimed at undermining the public order," and "belonging to an illegal organization," to arrest and charge political opponents, human rights activists, and Islamists, among others.

Judges and the Government exercised the authority to release prisoners or suspend their sentences, often on conditional parole. For instance, human rights lawyer Nejib Hosni received a presidential pardon in May after serving 41/2 months for violating his conditional parole by practicing law. Hosni originally was arrested in 1996 and sentenced to 8 years for what human rights observers claim was a spurious charge of defrauding a client. He was released in 1997 on the condition he not practice law for 5 years. He was arrested again in December 2000, and ordered to serve the remainder of his original sentence plus 15 days. The Tunisian Bar Association came to his defense, claiming that only it has the authority to disbar lawyers. Hosni continues to practice law, despite the Government's ban and represents several human rights defendants.

At the end of May, Bechir Abid was released on conditional parole from prison after eight months. He was serving an 18-month sentence for membership in an illegal organization (PCOT) and had begun a second hunger strike on May 8 protesting the denial of visits by his family and lawyers. His previous hunger strike lasted from October 18 to December 5, 2000. Haroun Mbarek, a member of the outlawed Islamic group An-Nahdha, also was released from prison in May on conditional parole. Mbarek had been deported by Canadian authorities in January after his application for refugee status there was denied. He was arrested upon his return to Tunisia after having been sentenced in absentia to 12 years in prison for membership in an illegal organization. He was tortured in prison, and contracted tuberculosis as a result of his detention. His passport eventually was returned to him and, in September, Mbarek was granted permission from Canadian authorities to return to Canada. Sihem Bensedrine also was released on conditional parole on August 11, as part of a presidential amnesty that coincided with the Women's Day holiday (see Section 1.c.).

The Constitution prohibits forced exile, and the Government observes this prohibition. According to reliable sources, some political opponents in self-imposed exile have been prevented from obtaining or renewing their passports in order to return. In June 2000, a Government official stated that the Government had returned 200 passports and would return another 600 of citizens living abroad, many of whom have been without a passport for years (see Section 2.d.).

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary; however, the executive branch and the President strongly influence the judiciary. In practice the judicial branch is part of the Ministry of Justice: the executive branch appoints, assigns, grants tenure to, and transfers judges. In addition, the President is head of the Supreme Council of Judges. This renders judges susceptible to pressure in politically sensitive cases.

The court system consists of the regular civil and criminal courts, including the courts of first instance; the courts of appeal; and the Court of Cassation, the nation's highest appeals court; as well as the military tribunals within the Defense Ministry.

Military tribunals try cases involving military personnel and civilians accused of national security crimes. A military tribunal consists of a civilian judge from the Supreme Court and four military judges. Defendants may appeal the tribunal's verdict to the final arbiter, the Court of Cassation, which considers arguments on points of law as opposed to the facts of a case. Amnesty International has claimed that citizens charged under the tribunals "have been denied basic rights during the judicial process."

The Code of Procedure is patterned after the French legal system. By law the accused has the right to be

present at trial, be represented by counsel, question witnesses, and appeal verdicts. However, in practice judges do not always observe these rights. The law permits trial in absentia of fugitives from the law. Both the accused and the prosecutor may appeal decisions of the lower courts. Defendants may request a different judge if they believe that a judge is not impartial; however, in practice judges do not always permit this. For example, lawyers for Nejib Hosni, who was convicted in December 2000 for violating a court-ordered 5-year suspension from practicing law, requested that the trial judge recuse himself because, attorneys claimed, he no longer was impartial because he already had found Hosni in violation of the court order the week before. The judge refused the defense's request. A sitting judge, Jedidi Ghenya, was quoted as declaring in court that everyone who appears before him is guilty until they prove their innocence, despite the fact that the Constitution provides for the presumption of innocence until the legal establishment of guilt.

Trials in the regular courts of first instance and in the courts of appeals are open to the public. The presiding judge or panel of judges dominates a trial, and defense attorneys have little opportunity to participate substantively. Defense lawyers contend that the courts often fail to grant them adequate notice of trial dates or allow them time to prepare their cases. Some also reported that judges restricted access to evidence and court records, requiring in some cases, for example, that all attorneys of record examine the court record on one specified date in judges' chambers, without allowing attorneys to copy material documents. Defense lawyers also claim that judges sometimes refuse to allow them to call witnesses on their clients' behalf or to question key government witnesses. Lengthy trial delays are also a problem (see Section 1.d.).

Human rights activists contend that the judicial system is neither free nor fair and that it applies the law unevenly to defendants facing politically motivated charges. Some have refused to participate in their own legal proceedings. For instance, Moncef Marzouki, former spokesman of the CNLT, boycotted June and July hearings in the Court of Appeal scheduled to review his December 2000 conviction. He was sentenced to 1 year in prison for membership in an unauthorized organization and for spreading false information. Marzouki refuses to recognize the authority of the court over what he regards as a freedom of speech issue and consequently has refused to participate in the appeal process. The prosecution appealed on his behalf and on September 29, the appeals court suspended the 1-year sentence. There were no developments in the Government's investigation into the 1999 charges brought against Marzouki, and a trial had not begun by year's end (see Section 4).

In July at Sihem Bensdrine's initial hearing after her arrest she refused to answer charges without her lawyers present. Over 200 lawyers had joined her defense team and could not be accommodated in the judge's chambers. The lawyers' request for Bensdrine's unconditional release was in effect refused by the judge, who took no action within the 2 days required by law.

The civil case against the LTDH concluded during the year. At the end of 2000, the Court of First Instance annulled the League's October 2000 board elections based on claims from four plaintiffs who alleged irregularities in the election procedure. The Government closed the League's headquarters in November 2000 and replaced its board with an administrator pending a January hearing. The court found in favor of the plaintiffs and the LTDH appealed the verdict. After months of delays and additional hearings, on June 21, the court of appeal upheld the lower court's annulment of the League's October 2000 board and gave the same board responsibility for operating the LTDH for a year and organizing new elections to the board. In July the LTDH leadership resumed activities in its offices and resumed many of its normal activities. However, LTDH activists continued to report government harassment, interrogation, and property loss or damage. In previous years, the LTDH had reported unauthorized home entries and denial of passports.

Throughout the year, the Government permitted observers from diplomatic missions, members of the European Parliament, and foreign journalists to monitor trials, while selectively barring other observers from human rights organizations from entering the country (see Section 4). Amnesty International and defense attorneys report that courts routinely fail to investigate allegations of torture and mistreatment, and have accepted as evidence confessions extracted under torture (see Section 1.c.). Defense lawyers and human rights activists claim that the summary nature of court sessions sometimes prevents reasoned deliberation. They also claim that erratic court schedules and procedures are designed to deter and discourage observers of political trials.

In July District Judge Mokhtar Yahiaoui published an open letter to President Ben Ali on the Internet charging executive branch interference in the judiciary. Among his allegations was that the Government intimidates and harasses judges, who, he noted, were dependent on the President for promotions and job stability. Yahiaoui, who belonged to the body that recommends magistrates for placement and promotion, was suspended without pay on July 14. His claims that the judiciary was not independent and the Government's reaction to the criticism drew considerable attention both within the country and abroad. The Tunisian Judges' Association published a communique on July 18 in cautious support of Yahiaoui, noting that the preferred forum for his criticisms would have been within the Association. On August 2, the Government restored him to his position after a disciplinary hearing. On December 29, Yahiaoui appeared before a disciplinary council of magistrates,

which dismissed him as a judge and charged him with having "attacked the honor of judges and failed in his professional duties."

There is no definitive information regarding the number of political prisoners. Human Rights Watch has reported that there might be hundreds of political prisoners convicted and imprisoned for membership in the Islamist group An-Nadha and the PCOT, for disseminating information produced by these banned organizations, and for aiding relatives of convicted members. Amnesty International estimated in September that there were up to 1,000 political prisoners. Nearly all those prisoners that have been identified by international human rights groups as political prisoners or prisoners of conscience have been arrested or detained under articles of the Penal or Press Codes prohibiting membership in illegal organizations or spreading false information aimed at undermining the public order.

The Government traditionally releases prisoners on national holidays, such as Independence Day or on the anniversary of President Ben Ali's accession to power. On June 26, national and international human rights groups called on the Government to issue a general amnesty for all political prisoners. In July political opposition parties and the Tunisian General Confederation of Labor (UGTT) joined in calling for a general amnesty. In addition, during a July 3 parliamentary debate, opposition members joined with human rights groups in calling on the Minister of Justice to offer a general amnesty for political prisoners. They argued that the executive branch should not be using the justice system for political trials.

The Government denies that it holds any prisoners considered "political," and normally does not provide details on the numbers or types of prisoners released. One amnesty issued on Republic Day (July 25) benefited mostly criminals. A second summer amnesty announced for Women's Day (August 13) was noteworthy, in that for the first time, the Government named an individual prisoner (Sihem Bensedrine) who had been released.

The Government does not permit international humanitarian organizations to visit prisons. The International Committee of the Red Cross (ICRC) has regularly been denied access to prisons.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution provides for the inviolability of the person, the home, and for the privacy of correspondence, "except in exceptional cases defined by law." However, the Government infringed on these rights. The law requires that the police obtain warrants to conduct searches; however, police sometimes ignore the requirement if authorities consider that state security is at stake or that a crime is in progress.

The Government allegedly breaks into and ransacks the homes and offices of human rights activists and opposition figures. On October 26, the private law offices of the president of the Tunisian Bar, Bechir Essid, were broken into and ransacked. Observers speculate the incident was designed as a warning by the Government to Essid, who represented dissident Mohammed Moaada (see Section 4).

RAID reported that the houses of two of its members, Fathi Chamkhi and Sadri Khiari, were broken into and vandalized on December 28 and 29.

Authorities may invoke state security interests to justify telephone surveillance. There were numerous reports of government interception of fax and computer-transmitted communications. The law does not authorize explicitly these activities, although the Government has stated that the Code of Criminal Procedure implicitly gives investigating magistrates such authority. Many political activists experience frequent and sometimes extended interruptions of residential and business telephone and fax services. Human rights activists accuse the Government of using the 1998 Postal Code, with its broad but undefined prohibition against mail that threatens the public order, to interfere with their mail and interrupt the delivery of foreign publications. Local phone, fax, and copy shops require users to turn over their identification cards when requesting to send faxes.

Lawyers and activists stated in 2000 that the Government increased its practice of cutting off telephone service to activists. However, during the year, there were no reports that prominent human rights activists had telephone service cut off for extended periods, although there were reports of the temporary disruption of cellular and landline service to prominent human rights and opposition leaders during the call-in portion of the Al-Mustaquella television program each Sunday afternoon (see Section 2.a.).

The security forces routinely monitor the activities of political critics, and sometimes harass, follow, question, assault or otherwise intimidate them, their relatives, and associates. Security forces continue to harass, assault and intimidate members of the CNLT (see Sections 1.c, 2.b, and 4). For example, police place journalists who write articles critical of the Government, or who are active in human rights organizations, under surveillance (see Section 2.a.).

Human rights activists, lawyers, and other political activists also reported that they were under police surveillance. For example, police continued their heavy surveillance of the CNLT offices in Tunis (see Sections 2.b. and 4). In July Moncef Marzouki reported that he was under constant police observation and that his movements between Tunis and his home in Sousse (120 miles south of the capital) drew particularly heavy surveillance. Human rights lawyer Radhia Nasraoui continues to be under heavy police surveillance.

Human rights activists claimed that the Government subjected the family members of Islamist activists to arbitrary arrest, reportedly utilizing charges of "association with criminal elements" to punish family members for alleged crimes committed by the activists. For example, one female medical doctor claimed that she has been unemployed since 1997 because police pressure hospitals not to hire her because her husband was convicted of membership in An-Nahda. One man claimed that for 8 years, the Government refused to issue him a passport because his brother was prosecuted for membership in An-Nahda. Credible reports indicate that police harassed Sihem Bensedrine's family after her June appearance on Al-Mustaquella. Human rights activists also alleged that the relatives of Islamist activists who are in jail or living abroad were subjected to police surveillance and mandatory visits to police stations to report their contact with relatives. The Government maintained that the Islamists' relatives were members or associates of the outlawed An-Nahda movement and that they were correctly subjected to legitimate laws prohibiting membership in or association with that organization.

There were no reports during the year of the Government refusing to issue passports to family members of human rights activists. Nejib Hosni and his family members no longer are being denied their passports.

Human rights activists allege that security forces arbitrarily imposed administrative controls on prisoners following their release from prison (see Section 1.d.) and confiscated national identity cards from numerous former prisoners. Confiscation of an identity card makes nearly every aspect of civil and administrative life difficult. An individual must have an identity card to sign a lease, to buy or drive a car, to receive access to healthcare, bank accounts, and pensions, and even to join a sports club. Police may stop anyone at anytime and ask for their identity card. If individuals are unable to produce cards, police may detain them until their identity can be established by a central fingerprint database. A credible source claimed in 2000 that the Government confiscated the national identity cards of as many as 10,000 persons who were either former prisoners convicted of membership in An-Nahda or relatives of An-Nahda members and their supporters.

Police presence is heavy throughout the country and traffic officers routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 2.d.). The Government regularly prohibited the distribution of some foreign publications (see Section 2.a.). The security forces often question citizens seen talking with foreign visitors or residents, particularly visiting international human rights monitors and journalists (see Section 2.a.).

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of expression and of the press; however, in practice, the Government restricts these rights. The Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. The Government also uses the Press Code, which contains broad provisions prohibiting subversion and defamation, to prosecute individuals who express dissenting opinions. In a speech before the RCD in July, President Ben Ali stated that although the Government must protect the right of citizens to hold dissenting opinions, those citizens who criticize the country in the international media were "traitors" who would be prosecuted to the full extent of the law. While direct criticism of Government policies or officials is restricted, either directly or through self-censorship, there have been increased discussions in the press of sensitive democracy and human rights problems.

In April the Chamber of Deputies approved several changes to the Press Code. Changes included the designation of the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies as the central censorship office. Previously, all publications had to be approved in advance by several ministries. The revisions provided that copies of newspapers published outside of Tunis could now be deposited with local governors rather than at central Tunis offices. Newspapers are required to raise the percentage of journalists drawn from the Institute of Journalism (IPSI) on their editorial staff from 30 percent to 50 percent. Offenses such as "rumor mongering" and the delivery of "seditious speeches and songs in public places and meetings" were transferred to the Penal Code. The offense of sending defamatory mail was transferred to the Postal Services Code. The amended Press Code replaces prison sentences with increased fines as the penalty for fraudulent use of one's name for publishing purposes. It also reduced the period of time the Government may suspend a newspaper's publication from 6 to 3 months. Opposition members and international observers view the changes to the Press Code as largely superficial--designed to give the appearance of liberalization while

only making minor cosmetic changes.

The Government detains, interrogates, and otherwise harasses local and international human rights activists (see Sections 1.c, 2.a., and 4). Charges brought against Dr. Moncef Marzouki in November and December 1999 for defamation, belonging to an unrecognized organization, causing a public disturbance, and disseminating false information, arising out of Marzouki's publication and distribution of two communiques on behalf of the CNLT, proceeded in June on an appeal filed on Marzouki's behalf by the prosecution. Marzouki refused to appear at the June and subsequent July hearing before the Court of Appeal (see Sections 1.e. and 4).

In November journalist Taoufik Ben Brik claimed that his wife's car had been vandalized and his telephone lines cut after he returned to Tunis from Paris where he had promoted a new book critical of the Government.

Also in November police interviewed businessman Kamel El-Taief shortly after his return from Paris, where he had given an interview to Le Monde in which he charged the Government with corruption and the harassment of dissidents. El-Taief was charged with insulting a police officer after a street altercation with an officer after El-Taief returned to his automobile and found that it had been vandalized. He was released on November 16, after 10 days in jail and his trial began on December 26. A verdict was expected in January 2002.

Credible press reports indicated that in November, journalist Fethia El Beji was fired from her position at As-Sabah newspaper for articles she wrote in the weekly magazine Sabah El-Khir regarding two of Taoufik Ben Brik's books that were scheduled for publication.

Although several independent newspapers and magazines—including several opposition party journals—exist, the Government relies upon direct and indirect methods to restrict press freedom and encourage a high degree of self-censorship. Primary among these methods is "depot legal," the requirement that printers and publishers provide copies of all publications to the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies prior to distribution. The opposition Democratic Progressive Party (PDP) claimed that in January and August copies of its Al-Mawqif newspaper were removed from newsstands because they contained an article critical of the Government. Publication of the Al-Mawqif newspaper was delayed on several occasions. The Government has not permitted the Tunisian Bar Association to publish its internal bulletin since July 1999.

Since 1994 the Government has refused to allow Amnesty International's Tunisia chapter to distribute textbooks on human rights written for high school students.

Similarly, distributors must deposit copies of publications printed abroad with the Chief Prosecutor and the Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies prior to their public release. While publishers need not wait for an authorization, they must obtain a receipt of deposit before distribution. On occasion such receipts reportedly are withheld, sometimes indefinitely. Without a receipt, publications may not be distributed legally. An April edition of Le Monde and an October edition of Le Monde Diplomatique were delayed because of articles on human rights in the country.

The Press Code contains broad provisions prohibiting subversion and defamation, neither of which is defined clearly. The code stipulates fines and confiscation for failure to comply with these provisions. The Government routinely utilized this method to prevent distribution of editions of foreign newspapers and magazines that contained articles critical of the country. For example, issues of Jeune Afrique were banned throughout the year and issues of Le Monde were banned in January, April and July.

The Government also reportedly withheld depot legal to remove from circulation books that it deemed critical of the Government. There were no reports that the Government provided official texts on major domestic and international events and reprimanded publishers and editors who failed to publish these statements, as had occurred in the past.

The Government also relies on indirect methods, such as newsprint subsidies and control of public advertising revenues, to encourage self-censorship in the media. The Tunisian Agency for External Communications effectively serves as a censor by selectively withholding advertising funds. There were credible reports that the Government withheld advertising orders, a vital source of revenues, from publications that published articles deemed offensive by the Government. The Democratic Progressive Party (PDP) opposition party newspaper Al-Mawqif received no public advertising revenue during the year and announced on December 14 that it may have to close due to financial problems. It receives no public funds and survived through subscriptions and donations.

The Government exerted further control over the media by threatening to impose restrictions on journalists, such as refusing permission to travel abroad, withholding press credentials, and imposing police surveillance on those who wrote articles critical of the Government. In June activist Sihem Bensedrine was arrested and spent 6 weeks in prison for comments she made that were critical of the Government (see Section 1.d.).

Members of the security forces also reportedly questioned journalists regarding the nature of press conferences and other public functions hosted by foreigners that the journalists attended.

There were no results during the year of the Government's investigation into the May 2000 shooting of Le Monde journalist Riadh Ben Fadhl. Ben Fadhl was shot twice in the shoulder at 6 a.m., the morning after he published an article in Le Monde that was critical of President Ben Ali. Several journalists from Al-Fajr, the publication associated with the outlawed An-Nahda movement, remained in jail, serving sentences that were imposed in the early 1990's. The Government maintains that the arrests, indictments, and convictions were carried out in full accordance with the law. Visiting foreign journalists sometimes complain of being followed by security officials. On February 3, RSF journalist Robert Menard was deported for disturbing the public order by distributing illegal information.

On May 3, for the fourth year in a row, the Committee to Protect Journalists named President Ben Ali as 1 of its "10 worst enemies of the press." In 2000 RSF stated that "journalists have adopted a habit of self-censorship and those who venture to be independent pay a high price." During the year, RSF named Ben Ali as 1 of "39 Predators of Press Freedom." The Tunisian Newspaper Association remained expelled from the World Association of Newspapers (WAN). The WAN expelled the Association in 1997 for its failure to oppose repression of freedom of the press.

The Government owns and operates the Tunisian Radio and Television Establishment (ERTT). The ERTT's coverage of government news is taken directly from the official news agency, TAP. There are several government-owned regional radio stations and one national television channel. A bilateral agreement with Italy permits citizens to receive the Italian television station RAI-UNO; the broadcast of French television station France 2 has remained suspended since October 1999 because of its critical coverage of the elections. Recent estimates place the number of satellite dishes (which have been legal since 1996) in the country at well over 200,000. The Government regulates their sale and installation. Many citizens receive two satellite programs broadcast from London by members of the opposition: Al-Mustaquella, which began broadcasting in April; and Zeitouna, which began broadcasting in July. The programs serve as alternative sources for news and political dissent both through their satellite transmissions and Zeitouna's web site.

A sitting judge, Jedidi Ghenya, lodged two complaints against Al-Mustaquella with the Independent Television Commission (ITC), a body in the United Kingdom responsible for regulating private broadcasting. In August Ghenya alleged that remarks made by journalist Sihem Bensedrine on the June 16 program had libeled him (see Section 1.d.). The ITC rejected the claim. On December 17, another complaint was lodged against Al-Mustaquella with the ITC for remarks made on the December 2 broadcast of Al-Mustaquella's Espace Francophone program relating to Bensedrine's original remarks. Human rights activists believe the Tunisian Government, in an attempt to have Al-Mustaquella sanctioned or discredited, coerced Ghenya to file these complaints.

The Government encouraged greater use of the Internet and lowered Internet user fees and telephone connection fees again during the year. Journalists and students are entitled to a 25 percent reduction in Internet usage fees. There are no customs duties on computers. By September 1, the Government reported that there were 365,000 subscribers (10 times the number reported in 2000), and the Government estimates the figure will climb to 3 million by 2004. The Government used the Internet widely, with most government ministries and agencies posting information on readily accessible web sites. However, Web sites and on-line publications containing information critical of the Government posted by international NGO's opposition parties, and foreign governments frequently are blocked, including a report on Internet use in Tunisia by Human Rights Watch. The five Internet service providers in the country remain under the control of the Tunisian Internet Agency, which was created in 1996 and which regularly must provide lists of subscribers to the Government. Human rights activists allege that the agency regularly interferes with and intercepts their Internet communications. The Press Code, including the requirement that advance copies of publications be provided to the Government, applies to information shared on the Internet (see Section 4).

The Government limits academic freedom. Like journalists, university professors indicated that they sometimes practiced self-censorship by avoiding classroom criticism of the Government or statements supportive of the An-Nahdha movement. Professors alleged that the Government utilized the threat of tax audits, control over university positions, and strict publishing rules to encourage self-censorship. The presence of police on campuses also discouraged dissent. A 1996 regulation requires professors to inform the Ministry of Higher Education in advance of any seminars, including the list of participants and subjects to be addressed. Copies of papers to be presented in university settings or seminars must be provided to the Ministry in advance.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly; however, the Government imposes some restrictions on this right. Groups that wish to hold a public meeting, rally, or march must obtain a permit from the Ministry of Interior by applying no later than three days in advance of the proposed event and submitting a list of participants. The authorities routinely approve such permits for groups that support government positions, but often refuse permission for groups that express dissenting views.

The civil case against the LTDH concluded during the year. At the end of 2000, the Court of First Instance annulled the League's October 2000 board elections based on claims from four plaintiffs alleging irregularities in the election procedure. The Government closed the League's headquarters in November 2000 and replaced its board with an administrator pending a January hearing. The court found in favor of the plaintiffs and the LTDH appealed the verdict. After months of delays and additional hearings, on June 21, the court of appeal upheld the lower court's annulment of the League's October 2000 board and gave the same board responsibility for operating the LTDH for a year and organizing new elections to the board. In July the LTDH leadership resumed activities in its offices and resumed many of its normal activities. However, LTDH activists continued to report government harassment, interrogation, property loss or damage, unauthorized home entry, and denial of passports.

CNLT members claimed in March that plainclothes police prevented persons from attending a CNLT meeting and reception at the Tunis publishing office founded by Sihem Bensedrine. The CNLT reported that several of their members were beaten by police who called them "traitors." CNLT member Khadija Cherif described how police blocked her car as she attempted to drive to the reception. The police instructed her to leave; however, when she turned the car around 10 police officers surrounded the car, shouted at her, kicked the car, and beat her on the head, neck, and chest. She indicated that this physical violence was accompanied by obscenities and vulgarities, and that it took place in the presence of the police commander of the Medina district, who did nothing to prevent it. When Cherif appeared in court on March 10 to file a complaint against the assaulting police officers, she was assaulted physically again by plainclothesmen as she left the courthouse. The officers pushed her to the ground when she refused to hand over a folder containing evidence of the original assault, including photographs of police surrounding her car. Minister of Human Rights, Communications, and Relations with the Chamber of Deputies Slaheddine Maaoui announced publicly in April that the police agent who was responsible for Cherif's assault had been suspended and punished. Maaoui did not specify what punishment the agent would receive.

In August less than a week after Sihem Bensedrine's release from prison, police assaulted her and other activists outside the publishing house of which Bensedrine is director. The activists were attempting to attend a meeting in the publishing house that police had prohibited. Police beat several activists severely with batons; subsequently, they were hospitalized. Credible reports indicated the police in particular brutally assaulted Bensedrine's husband and CNLT leader Omar Mestiri, as well as Fatma Ksila and other active human rights leaders.

On September 6, dozens of plainclothes police surrounded the CNLT headquarters, barring entry to any visitors who did not reside or work in the building. Credible reports indicated that several prominent human rights activists were denied access to the CNLT offices while others were assaulted by police. CNLT member Omar Mestiri was detained and released later in a wooded part of Tunis by men who denied they were members of the police force. In early November, RCD student members, university police, and security forces beat members of the UGET to prevent them from engaging in a rally and sit-in (see Section 1.c.).

The Government permitted some demonstrations to occur. A demonstration of human rights and civil society groups at Manouba prison in support of Sihem Bensedrine and Mohammed Moaada took place on July 27. The peaceful protest organized by the ATFD called for the release of Bensedrine and Moaada. While the police presence was strong, the demonstration was allowed to take place without incident. On July 5, at the first arraignment hearing for Sihem Bensedrine after her arrest, a number of her supporters appeared at the court and were allowed into the corridors of the courthouse. Many handed out photocopied photos of Bensedrine captioned "Free Sihem Bensedrine." Some attempted to paste these signs inside the courthouse in the presence of police who removed them without further incident. By the afternoon, dozens of Bensedrine's supporters had come to the courthouse and were dispersed peacefully by police. In August several participants attempting to attend a meeting at the publishing house of Sihem Bensedrine were beaten severely by police and dispersed (see Section 1.f.).

The Government at times organizes its own demonstrations for political ends. On June 29, in what human rights observers and diplomats regarded as a government-orchestrated event, about 200 demonstrators protested in front of the downtown Tunis offices of Air France. The demonstration was designed to express national outrage at the brief occupation of the Paris office of the Tunisian National Tourist Bureau by the French NGO RSF. The Paris protest, led by RSF secretary general Robert Menard, called on the Tunisian

Government to release activist Sihem Bensedrine.

Although the Constitution provides for freedom of association, the Government restricts this right by barring membership in political parties organized by religion, race, or region of origin. On these grounds, the Government prosecutes members of the Islamist movement An-Nahdha. For example, Mehdi Zoughah was convicted in February of belonging to an illegal organization for purportedly holding a meeting in the early 1990's in Marseille with An-Nahda leader Salah Kerker. Zoughah was convicted on the basis of a single witness whom the Government could not produce in court. Haroun M'barak was convicted in March of belonging to an illegal organization, An-Nahda, on the basis of a statement by a witness that had been retracted.

In some cases, several years lapse after detention and before the defendants are brought to trial. Twenty alleged An-Nadha members were tried before the criminal court on April 17 after nearly 4 years in detention. Among them were Ahmed Laamari, Yousef Khedri, and Chokri Gargouri. All the defendants were found guilty of membership in An-Nahdha and sentenced to between 3 and 8 years in prison. Mohamed Ben Boubaker Mejnoun was sentenced to 5 years in prison, although his name did not appear on the prosecutor's initial charge sheet. Presiding judges in trials of Islamists routinely refuse to investigate claims that their confessions were extracted under torture. Human rights activists alleged that the Government extended its prosecution of Islamist activists to include family members who were not politically active (see Sections 1.c., 1.d., and 1.e.).

The Government bans organizations that threaten disruption of the public order and has used this proscription to prosecute members of the PCOT.

c. Freedom of Religion

The Constitution provides for the free exercise of other religions that do not disturb the public order, and the Government generally observes and enforces this right; however, it does not permit political parties based on religion, prohibits proselytizing, and partially limits the religious freedom of Baha'is. Islam is the state religion. The Constitution stipulates that the President must be a Muslim.

The Government recognizes all Christian and Jewish religious organizations that were established before independence in 1956. Although the Government permits Christian churches to operate freely, only the Catholic Church has formal recognition from the post-independence Government. The other churches operate under land grants signed by the Bey of Tunis in the 18th and 19th centuries, which are respected by the post-independence Government. Since October 1999, the Government has not acted on a request for recognition of a Jewish religious organization in Jerba; however, the group has been permitted to operate and it performs religious activities and charitable work unhindered.

The Government controls and subsidizes mosques and pays the salaries of prayer leaders. The President appoints the Grand Mufti of the Republic. The 1988 Law on Mosques provides that only personnel appointed by the Government may lead activities in mosques and stipulates that mosques must remain closed except during prayer times and other authorized religious ceremonies, such as marriages or funerals. New mosques may be built in accordance with national urban planning regulations but become the property of the State.

The Government does not permit the establishment of political parties on the basis of religion, and uses this prohibition to refuse recognition of the An-Nahda party and to prosecute suspected party members on the grounds of membership in an illegal organization (see Sections 1.c, 1.d., 1.e., and 2.b.). The Government maintains tight surveillance over Islamists and members of the Islamic fundamentalist community. The Government has revoked the identity cards of an estimated 10,000 to 15,000 Islamists and fundamentalists, which seriously disadvantages them (see Section 1.f.).

According to reliable sources, the Government has refused to issue passports to Islamists and fundamentalists. The Government forbids the wearing of the hijab (traditional headscarves worn by Islamist and Islamic fundamentalist women) in government offices. According to human rights lawyers, the Government regularly questioned Muslims who were observed praying frequently in mosques. Reliable sources report that the authorities instruct imams to espouse government social and economic programs during prayer times in mosques.

The Government allows the Jewish community freedom of worship and pays the salary of the Grand Rabbi. It also partially subsidizes restoration and maintenance costs for some synagogues. In October 1999, the Jewish community elected a new board of directors, its first since independence in 1956, but continues to await its approval from the governor of Tunis. Once approval is obtained from the governor, which originally was expected to be a formality, the organization is expected to receive permanent status. The acting board has

changed its name to the Jewish Committee of Tunisia. The Government permits the Jewish community to operate private religious schools and allows Jewish children on the island of Jerba to divide their academic day between secular public schools and private religious schools. The Government also encourages Jewish expatriates to return for the annual Jewish pilgrimage to the historic El-Ghriba Synagogue on the island of Jerba. An international Jewish relief organization made trips to Tunisia in July and November and reported no interference with its activities.

The Government regards the Baha'i faith as a heretical sect of Islam and permits its adherents to practice their faith only in private. Although the Government permits Baha'is to hold meetings of their National Council in private homes, it reportedly has prohibited them from organizing local councils. The Government reportedly pressures Baha'is to avoid organized religious activities. There are credible reports that the police periodically call in prominent Baha'is for questioning; however, the number of such incidents decreased during the year. The Government also unofficially denied Baha'i requests during the year for permission to elect local assemblies. The Government does not permit Baha'is to accept a declaration of faith from persons who wish to convert to the Baha'i faith. There were credible reports that four members of the Baha'i faith were interrogated by Ministry of Interior officials in 1999 and pressed to sign a statement that they would not practice their religion and would not hold meetings in their homes.

In general the Government does not permit Christian groups to establish new churches, and proselytizing is viewed as an act against the public order. Foreign missionary organizations and groups operate but are not permitted to proselytize in the country. Authorities deport foreigners suspected of proselytizing and do not permit them to return. There were no reported cases of official action against persons suspected of proselytizing during the year; however, there were reports in April that materials distributed by Christian missionaries in Sfax were confiscated from local secondary students.

Islamic religious education is mandatory in public schools; however, the religious curriculum for secondary school students also includes the histories of Judaism and Christianity. The Zeitouna Koranic School is part of the Government's national university system.

Both religious and secular NGO's are governed by the same law and administrative regulations on association that impose some restrictions on freedom of assembly (see Section 2.b.). For example, all NGO's are required to notify the Government of meetings to be held in public spaces at least 3 days in advance and to submit lists of all meeting participants to the Ministry of Interior. There were credible reports in 2000 that two Christian religious organizations did not attempt to register because they believed their applications would be rejected, although they were able to function freely under the auspices of their respective churches. Neither group believed that it was a victim of religious discrimination. One group, composed of foreign Christians mostly from Sweden and the United Kingdom, is active in providing medical and social services in the town of Kasserine in the west. Despite its ambiguous legal status, the group (with 15 to 20 members) reports that it has been free to pursue its social and medical work without interference and states that it does not believe that it has been subject to religious discrimination.

Religious groups are subjected to the same restrictions on freedom of speech and the press as secular NGO's. Although Christian groups reported that they were able to distribute previously approved religious publications in European languages without difficulty, they claimed that the Government generally did not approve either publication or distribution of Arabic-language Christian material. Moreover, authorized distribution of religious publications was limited to existing religious communities, because the Government views public distribution of both religious and secular documents as a threat to the public order and hence an illegal act.

Muslim women are not permitted to marry outside their religion. Marriages of Muslim women to non-Muslim men abroad are considered common-law, which are prohibited and thus void when the couple returns to the country. Non-Muslim women who marry Muslim men are not permitted to inherit from their husbands, nor may the husbands and any children (who are considered to be Muslim) from the marriage inherit from the non-Muslim wife.

Although civil law, including family and inheritance law, is codified, judges are known to override codified law with Islamic law if codified law conflicts with Shari'a, especially in cases involving child custody. Generally Shari'a-based civil law is applied only in some family cases. Some families avoid the application of Shari'a in inheritance questions by executing sales contracts between parents and children in order to ensure that daughters receive shares of property equal to that of the sons.

For example, codified laws provide women with the legal right to custody over minor children; however, judges have refused to grant women permission to leave the country with minor children, holding that Shari'a appoints the father as the head of the family who must grant children permission to travel.

In court a woman's testimony is worth the same as a man's.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and persons are free to change their place of residence or work at will; however, in practice the Government restricts the freedom of movement and foreign travel of those critical of it.

Amendments to the passport law in October 1998 transferred power for canceling passports from the Ministry of Interior to the courts; however, the amended law contains broad provisions that permit passport seizure on undefined national security grounds and deny citizens the right either to present their case against seizure or to appeal the judges' decision. By law the Ministry of Interior must submit requests to seize or withhold a citizen's passport through the Public Prosecutor to the courts; however, the Ministry of Interior routinely bypasses the Public Prosecutor to withhold passports from citizens. Credible reports indicate that the Public Prosecutor always defers to the Ministry of Interior on such requests.

The Government arbitrarily withholds passports from citizens (see Section 1.f.). According to reliable sources, the Government withholds many passports of members of the human rights community, including human rights lawyer Nejb Hosni, and PCOT student Nourredine Ben N'tiche, as well as many members of the Islamist community. According to credible sources, some political opponents in self-imposed exile have been prevented from obtaining or renewing their passports in order to return (see Section 1.d.). In December opposition members in the Chamber of Deputies claimed that the Government imposes excessive delays in responding to their applications for passports.

The Government restricts travel during criminal investigations. Credible reports indicate that in March Moncef Marzouki, although in possession of a valid passport, was not allowed to travel out of the country from Monastir. His movements within the country are monitored closely. On the eve of a visit by French President Chirac and after an open letter signed by members of the European Parliament was published in support of Marzouki, the Government lifted Marzouki's travel ban on November 28. He left the country on December 8 to begin working in France.

In June RAID member Sadri Khiari began a hunger strike lasting most of June to protest his government-imposed travel ban. Khiari had planned to travel to France to defend a dissertation, but was prohibited from doing so. The Government claims that Khiari faces two unspecified criminal charges. The Government restored his passport but has prevented him from leaving the country. The passport of An-Nadha member Haroun Mbarek was seized upon his deportation from Canada (see Section 1.d.). Hedi Bejaoui, another member of An-Nadha, under administrative control since 1990, has been unable to travel for medical treatment due to the Government's seizure of his passport (see Section 1.d.).

Police routinely stop motorists for no apparent reason to examine their personal identification and vehicular documents (see Section 1.f.).

The Government cooperates with the office of the U.N. High Commissioner for Refugees (UNHCR) in assisting refugees. The Government acknowledged the UNHCR's determination of refugee status, which was accorded to 134 individuals during the year. The UNHCR processed 45 applications for asylum during the year. The Government provides first asylum for refugees based on UNHCR recommendations. There is no pattern of abuse of refugees. Although a few refugees were deported during the year, none were forced to return to countries where they feared persecution. The Constitution provides for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. It also expressly prohibits the extradition of political refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides that the citizenry shall elect the President and members of the legislature for 5-year terms; however, there still are some significant limitations on citizens' right to change their government. In October 1999, President Ben Ali was reelected for a third 5-year term in the country's first multi-party presidential elections, winning 99.44 percent of the vote. According to the Constitution, this is to be his last term in office; however, in July the ruling RCD party issued a call for Ben Ali to run for a fourth term. The RCD party won all 148 directly elected seats in the 1999 legislative elections. Observers agree that the outcome of the presidential and legislative elections generally reflected the will of the electorate; however, the campaign and election processes greatly favored the ruling party and there was widespread disregard for the secrecy of the ballot. The ruling RCD party so dominates all levels of political activity that credible electoral challenges have been extremely difficult. A presidentially appointed election monitoring group presented a confidential

report to the President regarding the election process, which reportedly substantiated numerous irregularities alleged by opposition parties.

The RCD party and its direct predecessor parties have controlled the political arena since independence in 1956. The RCD dominates the Cabinet, the Chamber of Deputies, and regional and local governments. The President appoints the Cabinet and the 24 governors. The Government and the party are integrated closely; the President of the Republic also is the president of the party, and the party's secretary general holds the rank of minister.

Narrowly written criteria in the Electoral Code greatly restrict the eligibility of persons to run for president. A candidate must receive the endorsement of 30 sitting deputies or municipal council presidents to be eligible to run.

The 182-seat Chamber of Deputies does not function as a counterweight to the executive branch; rather, it serves as an arena in which the executive's legislative proposals are debated prior to virtually automatic approval. Debate within the Chamber is often lively and government ministers are summoned to respond to deputies' questions, although heated exchanges critical of government policy are not reported fully in the press. Regardless of the debate, the Chamber has a history of approving all government proposals; the Chamber does occasionally modify the proposed legislation.

The Chamber that emerged from the October 1999 parliamentary elections was more pluralistic than the Chamber in place from 1994 to 1999, as October 1998 changes in the Electoral Code reserved 20 percent of the seats for the opposition parties, distributed on a proportional basis to those parties that did not win directly elected district seats. For the 1999 elections, the Government provided public financing to political parties, as called for in legislation adopted in 1997. Under the legislation, each party represented in the Chamber of Deputies received an annual public subsidy of approximately \$42,000 (60,000 dinars), plus an additional payment of \$3,500 (5,000 dinars) per deputy. The Government also provided campaign financing that corresponded to the number of district lists that each party presented. Opposition politicians argued that the subsidy system reinforces the favored position of the ruling party because its dominance in the Parliament means that it receives the great majority of the government funding. Moreover, with funding based on the number of seats in Parliament, the opposition parties had no interest in forming coalitions against the RCD, but concentrated instead on competing with each other for the largest possible share of the 20 percent of seats reserved for the opposition. During the elections, opposition parties found independent fundraising impossible, and those that published newspapers or magazines faced difficulties in obtaining paid advertisers. However, in June the President announced a 50 percent increase in allowances given by the Government to opposition newspapers. Each opposition newspaper receives \$105,000 (150,000 dinars) annually. The Government does not permit the establishment of political parties on the basis of religion and uses the prohibition to refuse recognition of the An-Nadha party and to prosecute suspected members on the grounds of membership in an illegal organization (see Sections 2.b. and 2.c.). In October the opposition Popular Union Party (PUP) publication, *Al-Wihda*, reported that its by-election candidate for Beja, Ziad Hani, was prohibited from distributing his election statement calling for reforms.

Women participate in politics; however, the percentage of women in government and politics does not correspond to their percentage of the population. Twenty-one of the 182 Deputies elected in October 1999 were women, up from 13 of 163 deputies in the previous Chamber. There are four women in the Cabinet: two full ministers (the Minister of and Land Management and the Minister for Women and Family Affairs) and two junior ministers (the Secretary of State for Housing and the Secretary of State for Public Health). Four women were appointed deputy governors raising the total to 10 women holding that post.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

The Tunisian Human Rights League is the most active independent advocacy organization, with 41 branches throughout the country. The organization receives and researches complaints and protests individual and systemic abuses. The LTDH's headquarters were closed and its activities suspended from October 2000 to July pending the outcome of its civil case (see Section 2.b.). LTDH members and other human rights activists reported government beatings, harassment, interrogations, property loss or damage, unauthorized home entry, and denial of passports. However, the Government continued to maintain the regular contact with the LTDH that it established in 1999.

In August a criminal case was brought against Khemais Ksila by a private female citizen who alleged he sexually assaulted her. Observers believe the case is receiving a disproportionate amount of press coverage aimed at discrediting Ksila before he has the opportunity to present evidence on his behalf. In August and September, LTDH vice president Souhayr Belhassen was criticized heavily in the press for her work on a

human rights commission investigating abuses in Iraq. The report has not yet been released. In an October interview, LTDH president Mokhtar Trifi said that he believes the press campaigns against Ksila and Belhassen were aimed at discrediting them personally, as well as the League by association.

There were numerous additional reports during the year of police attacking human rights activists, journalists, and others critical of the Government (see Sections 1.c., 2.a., and 2.b.).

The Government continued to refuse to authorize CNLT registration as an NGO. The CNLT initially applied for authorization in 1998. The court has not yet acted on the March 1999 administrative appeal filed by the CNLT's founders. The Government stated that the case was submitted to a court of justice, and that the situation requires that the Government leave the matter to the judiciary. Although not recognized by the Government, the CNLT issued statements criticizing government human rights practices. Government officials stated that, by publishing communiques in the name of an unregistered NGO, CNLT members violated the Publications Code (which requires that advance copies be provided to the Government) belonged to an illegal organization, and threatened public order. Some CNLT members still are unable to obtain passports (see Sections 1.f. and 2.d.).

There were no developments in the Government's 1999 criminal investigation of the leader of the Tunisian Association of Young Lawyers for meeting with CNLT members in his office. A court indicted both CNLT members Omar Mestiri and Moncef Marzouki in July 1999, and Marzouki again in November and December 1999, on several charges, including belonging to an illegal organization, violating the Publications Code, and spreading false information, but there were no results in the investigation by year's end. Scheduled hearings for Marzouki in connection with his December 2000 conviction on other charges took place in June and July, but he declined to appear. On September 29, an appeals court judge upheld but suspended the original 1-year sentence (see Sections 1.e. and 2.a.).

Marzouki and CNLT member Mustapha Ben Jaafar, both doctors, allege that the Government prohibits them from treating patients in retaliation for their human rights activism. In July the Minister of Health fired Marzouki from his job as a doctor and professor at the Faculty of Medicine at Sousse University.

The Arab Institute for Human Rights, headquartered in Tunis, was founded in 1989 by the LTDH, the Arab Organization for Human Rights, and the Union of Arab lawyers. It is an information rather than an advocacy organization, and the Government supports its activities. In April the Institute organized two training workshops in Cairo aimed at NGO's working in the field of human rights.

In February Robert Menard, secretary general of RSF, was deported for distribution of illegal information for handing out copies of an unauthorized newspaper in downtown Tunis. On September 29, police assaulted and detained two foreign delegates from AI (see Section 1.d.).

International observers were permitted to monitor trials, and they reported that the Government generally permitted them to conduct such monitoring (see Section 1.e.). However, in February trial observer Eric Plouvier, sent by the Paris-based NGO Observatory for the Protection of Human Rights Defenders, was denied entry into the country. AI observer Donatella Rovera and International Federation of Human Rights (FIDH) observer Patrick Badouin remained barred from entering the country. In July Danielle Mitterrand, president of the NGO France-Liberte, met with human rights activists and opposition leaders and sought permission to visit Sihem Bensedrine and Mohamed Moaada in prison. The authorities denied permission. The Government reportedly blocked access to the Internet Web sites of some of these organizations and those produced by the Committee to Protect Journalists (see Section 2.a.). Human rights activists and lawyers complain of frequent interruptions of postal and telephone services (see Section 1.f.).

Amnesty International continued to maintain a Tunisian chapter. Its members complained that the Tunis office suffered repeated loss of telephone and fax service. Persons who were considering joining AI's Tunisia chapter report that security officials discouraged them from doing so. AI officials reported that they were under periodic police surveillance and that there is interference with their mail. AI submitted a mission request to visit Tunisia in April, which was denied by the Government. A subsequent visit by AI researchers in September resulted in their being assaulted and detained by police (see Section 1.d.).

Human rights offices in certain ministries and a governmental body, the Higher Commission on Human Rights and Basic Freedoms, address and sometimes resolve human rights complaints. The Higher Commission submits confidential reports directly to President Ben Ali. A Ministry of Human Rights, Communications, and Relations with the Chamber of Deputies within the Prime Minister's office is headed by Minister Slaheddine Maaoui, who was appointed in February. In August the Government announced the establishment of a documentation center for human rights that would serve as an information clearinghouse of necessary information to promote human rights in the country; however, at year's end, there was no indication that it was

operating. In February the Government reported that representatives from NGO's held a meeting in Tunis to condemn foreign influence in the country's internal affairs.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution provides that all citizens shall have equal rights and responsibilities and be equal under the law, and the Government generally upholds these rights in practice. The Constitution devotes 54 percent of the budget to social and development goals. Legal discrimination is not pervasive, apart from that experienced by women in certain areas, such as inheritance, which is governed by Shari'a.

Women

Violence against women occurs, but there are no comprehensive statistics to measure its extent. According to a family court judge in 2000, women file 4,000 complaints of domestic violence each year, but later drop approximately half of those complaints. The Tunisian Democratic Women's Association operates a counseling center for women who are victims of domestic violence. The center, located in Tunis, assists approximately 20 women per month. The National Union of Tunisian Women (UNFT) is a government-sponsored organization that runs centers to assist women and children in difficulty. Instances of rape or assault by someone unknown to the victim are rare. Battered women first seek help from family members. Police intervention often is ineffective because police officers and the courts tend to regard domestic violence as a problem to be handled by the family. Nonetheless, there are stiff penalties for spousal abuse. Both the fine and imprisonment for battery or violence committed by a spouse or family member are double those for the same crimes committed by an individual not related to the victim.

Instances of rape or assault by someone unknown to the victim are rare.

Rape is specifically prohibited by the Penal Code. There is no legal exception to this law for spousal rape, but in part due to social stigma there were no reports of spousal rape being prosecuted.

Prostitution is prohibited by the Penal Code specifically, but charges against individuals are rare. There have been no reported cases of trafficking, forced prostitution, or sex tourism.

Women enjoy substantial rights and the Government has made serious efforts to advance those rights, especially in the areas of property-ownership practices and support to divorced women. The 1956 Personal Status Code outlawed polygamy. Either the mother or father may convey citizenship to a child. The Government introduced a law in December that would enable a Tunisian mother to register her child as a citizen even in the absence of the foreign father.

A 1998 presidential decree created a national fund to protect the rights of divorced women, ensuring that the State would provide financial support to women whose former husbands refused to make child support and alimony payments regularly. The Government has processed 7,100 requests providing divorced women over \$10 million (14.5 million dinars) since the fund's inception. Legislation requires civil authorities to advise couples on the merits of including provisions for joint property in marriage contracts.

Nonetheless, most property acquired during marriage, including property acquired solely by the wife, still is held in the name of the husband. Inheritance law, based on Shari'a and tradition, discriminates against women, and women still face societal and economic discrimination in certain areas, such as private sector employment.

The Government continued to take strong measures to reduce official discrimination, including adding equal opportunity for women as a standard part of its audits of all governmental entities and state-owned enterprises and providing leadership training for female civil servants; however, it did not extend such measures to the private sector.

Sexual harassment is prohibited specifically by the Penal Code.

Women continue to enter the work force in increasing numbers, particularly in the textile, manufacturing, health, and agricultural sectors. According to 2000 government statistics, women constituted 29 percent of the work force. There are an estimated 5,000 businesses headed by women, which is an increase from 3,900 in 2000. Women serve in high levels of the government as cabinet ministers or secretaries of state. Women constitute 37 percent of the civil service, employed primarily at the middle or lower levels in the fields of health, education, and social affairs. Women constitute 60 percent of all judges in the capital and 24 percent of the nation's total jurists. Four women were named deputy governors during the year bringing the number to ten out

of 24. Approximately 50.4 percent of university students enrolled in the 2000-2001 academic year were women.

The law explicitly requires equal pay for equal work. Although there are no statistics comparing the average earnings of men and women, generally women and men performing the same work are believed to be paid the same wages.

While the rate of illiteracy has dropped markedly in both rural and urban areas, the rate of female illiteracy in all categories is at least double that of men. Among 10- to 14-year-old children, 5.5 percent of urban girls are illiterate, compared with 2.2 percent of urban boys, and 27 percent of rural girls compared with less than 7 percent of rural boys.

Several NGO's focus, in whole or in part, on women's advocacy, or research women's issues, and a number of attorneys represent women in domestic cases. Media attention focuses on women's economic and academic accomplishments, and usually omits reference to culturally sensitive issues. Throughout the year, the Government funded several studies and projects designed to improve the role of women in the media.

There is a separate Ministry for Women and Family Affairs, with a relatively large budget nearly 3 percent of the total budget of \$2 million (3 million dinars) supporting its mission to ensure the legal rights and improve the socioeconomic status of women. The Government supports and provides funding to the National Union of Tunisian Women (UNFT), women's professional associations, and the Government's Women's Research Center.

Children

The Government demonstrates a strong commitment to free and universal public education, which is compulsory until age 16. Approximately 80 percent of boys attend until that age in urban areas and 60 percent of boys and girls in rural areas. Primary school enrollment for the scholastic year was slightly less than the preceding year's, reflecting a decline in the birth rate; secondary school enrollment showed an increase of 8 percent, which appeared equally divided between boys and girls. The Government reported that 99.1 percent of children attend primary school full-time. The Government offers a maternal and child health program, providing prenatal and postnatal services. It sponsors an immunization program targeting preschool-age children, and reports that over 95 percent of children are vaccinated.

In 1995 the Government promulgated laws as part of the Code for the Protection of Children. The code proscribes child abuse, abandonment, and sexual or economic exploitation. Penalties for convictions for abandonment and assault on minors are severe. There is no societal pattern of abuse of children. There is a Ministry for Children and Youth and a Presidential Delegate to Safeguard the Rights and Welfare of Children.

There were no reports of child prostitution.

Some child labor continues, often disguised as apprenticeship, particularly in the handicraft industry, and in the case of teenage girls whose families place them as household domestics in order to collect their wages (see Section 6.d.).

Persons with Disabilities

The law prohibits discrimination based on disability and mandates that at least 1 percent of the public and private sector jobs be reserved for persons with disabilities. All public buildings constructed since 1991 must be accessible to persons with physical disabilities. Many cities, including the capital, have begun to install wheelchair access ramps on city sidewalks. There is a general trend toward making public transportation more accessible to persons with disabilities. The Government issues special cards to persons with disabilities for benefits such as unrestricted parking, priority medical services, preferential seating on public transportation, and consumer discounts. The Government provides tax incentives to companies to encourage the hiring of persons with physical disabilities.

The law includes provisions prohibiting discrimination against persons with mental disabilities. Several active NGO's provide educational, vocational, and recreational assistance to children and young adults with mental disabilities. Some are funded by the Government and international organizations.

Indigenous People

The Government estimates that the small Amazigh (Berber) minority constitutes less than 3 percent of the population. Some older Amazighs have retained their native language, but the younger generation has been assimilated into Tunisian culture through schooling and marriage. Amazighs are free to participate in politics and to express themselves culturally.

Section 6 Worker Rights

a. The Right of Association

The Constitution and the Labor Code provide the right of workers to organize and unions. The Government respects this right. The Tunisian General Federation of Labor (UGTT) is the country's only labor federation, but there is no legal impediment to forming another union. The UGTT's historic strength has frustrated efforts over the years by dissidents to form a viable, rival confederation. About 15 percent of the 3.3 million person work force, including civil servants and employees of state-owned enterprises, are members, and a considerably larger proportion of the work force is covered by union contracts. There is no legal prohibition against the establishment of other labor federations. A union may be dissolved only by court order.

The UGTT and its member unions legally are independent of the Government and the ruling party, but operate under regulations that restrict their freedom of action. The UGTT's membership includes persons associated with all political tendencies, although Islamists have been removed from union offices. There are credible reports that the UGTT receives substantial government subsidies to supplement modest union dues and funding from the National Social Security Account. While regional and sector-specific unions operate with more independence, the central UGTT leadership generally follows a policy of cooperation with the Government regarding its economic reform program, although throughout the year the UGTT board, which took charge in September 2000, began to exercise greater independence regarding economic and social issues and to support greater democracy in the country.

Unions, including those representing civil servants, have the right to strike, provided that they give 10 days' advance notice to the UGTT and it approves of the strike. The International Confederation of Free Trade Unions has characterized the requirement for prior UGTT approval of strikes as a violation of worker rights. However, such advance approval rarely is sought in practice. There were numerous short-lived strikes over failure by employers to fulfill contract provisions regarding pay and conditions and over efforts by employers to impede union activities. While the majority of the strikes technically were illegal, the Government did not prosecute workers for illegal strike activity, and the strikes were reported objectively in the press. The law prohibits retribution against strikers; however, there have been cases of employers punishing strikers, which force strikers to pursue costly and time-consuming legal remedies to protect their rights.

Labor disputes are settled through conciliation panels in which labor and management are represented equally. Tripartite regional arbitration commissions settle industrial disputes when conciliation fails.

Unions are free to associate with international bodies. The UGTT is a member of the ICFTU, Confederation of Arab Trade Unions, and Confederation of African Trade Unions; many individual unions are affiliated with relevant international sectoral confederations.

b. The Right to Organize and Bargain Collectively

The right to organize and bargain collectively is protected by law and observed in practice. Wages and working conditions are set in triennial negotiations between the UGTT member unions and employers. Forty-seven collective bargaining agreements set standards for industries in the private sector and cover 80 percent of the total private sector workforce. Each agreement is negotiated by representatives of unions and employers in the area the agreement encompasses. The Government's role in the private sector negotiations is minimal, consisting mainly of lending its good offices if talks appear to be stalled. However, the Government must approve (but may not modify) the agreements. Once approved the agreements set standards for all employees, both union and nonunion, in the areas that they cover. The UGTT also negotiates wages and work conditions of civil servants and employees of state-owned enterprises. The Government is the partner in such negotiations. The next round of triennial negotiations is to be held in 2002. The agreements signed in 2000 provided for annual wage increases ranging from 4 to 6 percent.

The law prohibits antiunion discrimination by employers. However, the UGTT claims that there is antiunion activity among private sector employers, especially firing of union activists and using temporary workers to avoid unionization. In certain industries, such as textiles, hotels, and construction, temporary workers account for a large majority of the work force. The Labor Code protects temporary workers, but enforcement is more difficult than in the case of permanent workers. A committee chaired by an officer from the Labor Inspectorate

of the Office of the Inspector General of the Ministry of Social Affairs, and including a labor representative and an employers' association representative, approves all worker dismissals.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor by either adults or children, and it is not known to occur. The law prohibits forced and bonded labor by children, and the Government generally enforces this prohibition effectively; however, some families of teenage girls place them as household domestics to collect their wages (see Section 6.d.).

d. Status of Child Labor Practices and Minimum Age for Employment

The minimum age for employment is 16 years. The minimum age for light work in the nonindustrial and agricultural sectors is 13 years. Workers between the ages of 14 and 18 must have 12 hours of rest per day, which must include the hours between 10 p.m. and 6 a.m. Children between the ages of 14 and 16 in nonagricultural sectors may work no more than 2 hours per day. The total time that children spend in school and work may not exceed 7 hours per day. The minimum age for hazardous work is 18. Inspectors of the Ministry of Social Affairs examine the records of employees to verify that employers comply with the minimum age law. There were no reports of sanctions against employers. Nonetheless, young children often perform agricultural work in rural areas and work as vendors in urban areas, primarily during the summer vacation from school.

Observers have expressed concern that child labor continues to exist, disguised as apprenticeship, particularly in the handicraft industry, and in the cases of teenage girls whose families place them as household domestics in order to collect their wages. There are no reliable statistics on the extent of this phenomenon; however, an independent lawyer who conducted a study of the practice in 2000 concluded that hiring of underage girls as household domestics has declined with increased government enforcement of school attendance and minimum work age laws. The law prohibits forced and bonded child labor, and the Government generally enforces this prohibition effectively (see Section 6.c.).

e. Acceptable Conditions of Work

The Labor Code provides for a range of administratively determined minimum wages, which are set by a commission of representatives from the Ministries of Social Affairs, Planning, Finance, and National Economy, in consultation with the UGTT and the Employers' Association. The President approves the commission's recommendations. In August the industrial minimum wage was raised to \$138 (195.5 dinars) per month for a 48-hour workweek and to \$120 (170.9 dinars) per month for a 40-hour workweek. The agricultural minimum wage is \$4.27 (6.1 dinars) per day. When supplemented by transportation and family allowances, the minimum wage provides for a decent standard of living for a worker and family, but covering only essential costs. The Labor Code sets a standard 48-hour workweek for most sectors and requires one 24-hour rest period per week.

Regional labor inspectors are responsible for enforcing wage and hour standards. They inspect most firms about once every 2 years. However, the Government often encounters difficulty in enforcing the minimum wage law, particularly in nonunionized sectors of the economy. Moreover, more than 240,000 workers are employed in the informal sector, which falls outside the purview of labor legislation.

The Ministry of Social Affairs has responsibility for enforcing health and safety standards in the workplace. There are special government regulations covering such hazardous occupations as mining, petroleum engineering, and construction. Working conditions and standards tend to be better in firms that are export oriented than in those producing exclusively for the domestic market. Workers are free to remove themselves from dangerous situations without jeopardizing their employment, and they may take legal action against employers who retaliate against them for exercising this right.

The few foreign workers have the same protections as citizen workers.

f. Trafficking in Persons

The law does not prohibit trafficking in persons; however, it prohibits slavery and bonded labor. There were no reports that persons were trafficked to, from, within, or through the country.